

House Bill 1235

By: Representatives Bordeaux of the 162<sup>nd</sup>, Ralston of the 7<sup>th</sup>, Lane of the 167<sup>th</sup>, and Setzler of the 35<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Article 3 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to examination of witnesses generally, so as to permit jurors to ask questions of witnesses under certain circumstances; to provide for the procedure of such questioning; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to examination of witnesses generally, is amended by adding a new Code section to the end of the article to read as follows:

"24-9-71.

(a) In any civil or criminal case, a juror shall be permitted to question any witness as provided in this Code section.

(b) At the conclusion of questioning of a witness by counsel as otherwise provided by law, a juror may submit one or more questions, in writing and through the bailiff, to the court. Upon receiving a question from a juror, the court shall publish it to counsel outside the hearing of the jury. The court may rephrase the question to clarify or streamline the inquiry, while maintaining its substance. Still outside the hearing of the jury, counsel may object to and the court shall rule upon the admissibility of the question. In the hearing of the jury, the court shall ask the witness any question ruled admissible. Upon the witness's responding to the question, counsel may then examine the witness, the scope of which shall be limited to the substance of the question and its response.

(c) After a jury is seated but prior to the commencement of the examination of any witness in the case, the court shall instruct the jury of the jury's right to question a witness as provided in this Code section, as well as of the requirement that the court determine, under the law of evidence, whether any particular question so submitted may be asked of a

1 witness. The court shall then make available to the jury writing instruments and paper for  
2 the preparation and submission of questions.

3 (d) All questions submitted by a juror shall be maintained as part of the record of the case."

4 **SECTION 2.**

5 This Act shall become effective on July 1, 2006, and shall apply to any civil or criminal case  
6 tried on or after July 1, 2006.

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.